

REMARKS

Applicant has amended claims 1, 3, 7, 9, 11 and 15 to reflect the invention as disclosed.

No new matter has been added.

Claims 3, 7, 11 and 15 have been rejected under 35 USC 112, second paragraph, as indefinite. This rejection is overcome because claims 3, 7, 11 and 15, as amended, have an period to indicate that the claim has ended.

Claims 1-17 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 4,840,922 (Kobayashi). This rejection is respectfully traversed.

The near field light generating device of this invention has a low melting point thin film 14 which, as formed according to the manufacturing method described in the specification, takes a crystalline form, which blocks light. The thin film transforms to an amorphous form, which transmits light, when the thin film is irradiated with light or heated. The thin film transforms back to the crystalline form and blocks light when light irradiation or heating ceases. The transformation between crystalline and amorphous forms is reversible. In other words, the thin film of this invention forms an optical aperture for near field light emission only when it is irradiated with light or heated. See for example, page 4, lines 18-24, and page 10, lines 3-6, of the specification. Claim 1, as amended, clearly recites this feature of the invention as a thin film which is adapted to transmit light when irradiated and to block light when not irradiated.

On the contrary, Kobayashi's device has a permanent hole in a masking layer 4 as an aperture of the device. All of the manufacturing methods described in the examples of Kobayashi either blow the masking layer 4 out or cause it to evaporate under vacuum. In every example, the size of the hole was determined by a scanning electron microscope observation. This clearly confirms that Kobayashi's hole-in-masking-layer 4 is created by removing a portion

of the masking layer 4 and cannot be returned to its original state. Creation of a permanent aperture by high power beam radiation, as in the case of Kobayashi, is described as undesirable in the specification of this application (page 3, lines 8-16) and is intended to be avoided by this invention.

The masking layer of Kobayashi cannot block light when it is not irradiated with light, or any time once it is formed, because it has a permanent hole in the path of light beam. The formation of the hole is irreversible. Although the claims of Kobayashi refer to the use of a laser for making the masking film transparent, Kobayashi does not describe any method for forming such a transparent film or its use as an aperture in the specification. All of the examples are devoted to the description of permanent holes. In the absence of any specific enabling disclosure of how to make the masking film transparent, persons of ordinary skill in the art would have recognized that the formation of the transparent masking film is also irreversible, and that the transparent portion of the masking film is a permanent aperture which cannot be returned to its original, non-transparent state.

Accordingly, Kobayashi does not teach or suggest the features of claim 1. Claim 9 as amended recites the same distinguishing features as claim 1. Thus, the rejection of claims 1-17 should be withdrawn.

In light of the above, a Notice of Allowance is solicited.

Attached hereto is a marked-up version of the changes made to the claims by this amendment, captioned "Version marked to show changes made".

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 03-1952, referencing Docket No. 325772017700.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A near field light generating device, comprising:
a light emitting element that emits light from its exit surface; and
a thin film [that is formed] disposed on the exit surface [and gains], wherein
[a light transmitting property] the thin film is adapted for transmitting light when the thin
film is irradiated with light from said light emitting element and for blocking light when the thin
film is not irradiated with light from said light emitting element.
3. (Amended) A near field light generating device according to Claim 1, wherein said thin film returns to a crystalline state from an amorphous state when the light emission is stopped.
7. (Amended) A near field light generating device according to Claim 1, further comprising a heat diffusion preventing film between the light exit surface and the thin film.
9. (Amended) A near field light generating device, comprising:
a light emitting element that emits light from its exit surface; and
a thin film [that is formed] disposed on the exit surface [and gains], wherein
[a light transmitting property] the thin film is adapted for transmitting light when the thin
film is heated and for blocking light when the thin film is not heated.
11. (Amended) A near field light generating device according to Claim 9, wherein said thin film returns to a crystalline state from an amorphous state when the light emission is stopped.
15. (Amendment) A near field light generating device according to Claim 9, further comprising a heat diffusion preventing film between the light exit surface and the thin film,